

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09CV435-MU

BANK OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
THOMPSON M. LYKES, individually;)	
and THOMPSON M. LYKES as Trustee of)	
the Thompson M. Lykes Revocable Trust)	
under Trust Agreement dated March 21,)	
2002,)	
)	
Defendants.)	
_____)	
_____)	

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Dennis L. Howell, filed May 20, 2010. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72, Federal Rules of Civil Procedure, written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. It appears to the Court that the parties have not filed any such objections. After an independent and thorough review of the magistrate's memorandum, the Court concludes that there is no clear error on the face of the record and that the recommendation to grant the Plaintiff's Motion to Dismiss Counterclaims is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are affirmed.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the

magistrate is hereby AFFIRMED.

Signed: June 30, 2010

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge



Signed: June 30, 2010

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

